

Minneapolis, MN 55402-3319

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 02/07/2002 10/071,018 Hui Su S01.12-0869 8761 7590 **EXAMINER** 06/07/2005 Todd R. Fronek TORRES, JOSEPH D WESTMAN CHAMPLIN & KELLY PAPER NUMBER **ART UNIT** International Centre - Suite 1600 900 South Second Avenue 2133

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action After the Filing of an Appeal Brief

Application No.	Applicant(s)
10/071,018	SU ET AL.
Examiner	Art Unit
Joseph D. Torres	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

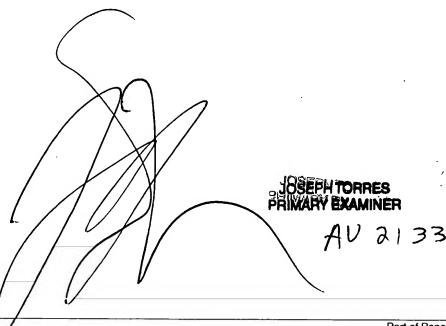
The reply filed <u>04 May 2005</u> is acknowledged.

- 1. The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will <u>not</u> be entered because:
 - a. The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
 - b. The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).
- 2. The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

- 3. The reply is entered. An explanation of the status of the claims after entry is below or attached.
- 4. Other: The Examiner would like to point out that the newly proposed amendment to claim 10 is missing some of the limitations in claims 13 and 14. In particular, the following limitation from claim 12 is missing, "wherein the mask contains signals for each of the number of sectors". The Examiner suggests either rewriting claim 10 so that it contains all of the limitations of claims 12 and 13 or filing an RCE so that the newly proposed amended claim 10 can be examined.

The Examiner does agree, however; that newly proposed amended claim 1 is substantially claim 4 rewritten with all the limitations of its base and intervening claims 1 and 3 and would not have a problem entering newly proposed amended claim 1 into the case provided corrections to newly proposed amended claim 10 were also made so that newly proposed amended claim 10 also included all of the limitations in claims 13 and 14.



U.S. Patent and Trademark Office PTOL-304 (9-04)

Part of Paper No. z20050604